

Federal Communications Commission

DA 04-606

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 02-136
Table of Allotments,)	RM-10458
FM Broadcast Stations.)	RM-10663
(Arlington, The Dalles, Moro, Fossil, Astoria,)	RM-10667
Gladstone, Portland, Tillamook, Springfield-Eugene,)	RM-10668
Coos Bay, Manzanita and Hermiston, Oregon, and)	
Covington, Trout Lake, Shoreline, Bellingham,)	
Forks, Hoquiam, Aberdeen, Walla Walla, Kent,)	
College Place, Long Beach, and Ilwaco,)	
Washington)	

ORDER TO SHOW CAUSE

Adopted: March 10, 2004

Released: March 12, 2004

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a Counterproposal filed by Triple Bogey, LLC; MCC Radio, LLC; and KDUX Acquisition, LLC (collectively, "Counterpetitioners"),¹ in response to the *Notice of Proposed Rule Making* ("Notice") in this proceeding.² The Counterproposal requests that Channel 283C2 be substituted for 284C2, Station KDUX-FM, Aberdeen, Washington, and that Station KDUX-FM be reallocated from Aberdeen to Shoreline, Washington, which would provide Shoreline with its first local aural transmission service. The proposal to allot Channel 283C2 at Shoreline is mutually exclusive with the Notice's proposed reallocation of Channel 283C3, Station KMCQ(FM), The Dalles, Oregon, to Covington, Washington.³ To accommodate the foregoing allotment of Channel 283C2 at Shoreline, Counterpetitioners request that Channel 281C be substituted for Channel 282C at Station KAFE(FM), Bellingham, Washington. To accommodate that allotment of Channel 281C at Station KAFE(FM), Counterpetitioners request that Channel 240A be substituted for Channel 280A at Station KLLM(FM) ("KLLM"), Forks, Washington. For the reasons discussed below, we are issuing this *Order to Show*

¹ MCC Radio, LLC ("MCC") is the licensee of, *inter alia*, Station KDUX-FM, Aberdeen, Washington, and Station KXXX(FM), Hoquiam, Washington. MCC and Triple Bogey, LLC ("Triple Bogey") have formed KDUX Acquisition, LLC (KA). Under an agreement between MCC and Triple Bogey, if MCC receives a construction permit to relocate Station KDUX-FM to Shoreline, pursuant to adoption of the Counterpetitioners' proposal herein, Triple Bogey has the option to require MCC, upon grant of an assignment application, to assign Station KDUX-FM to KA.

² *Arlington, The Dalles, and Moro, Oregon, and Covington and Trout Lake, Washington*, 17 FCC Rcd 10678 (MB 2002).

³ In addition, the Counterpetitioners' proposed allotment of Channel 285A at Fossil, Oregon, conflicts with the Notice's proposed allotment of Channel 283C1 at Moro, Oregon.

Cause directed to First Broadcasting Investment Partners, LLC ("First Broadcasting"), the licensee of Station KLLM, Forks, Washington.

2. In order to proceed with our analysis of the Counterpetitioners' Counterproposal and the ultimate resolution of this proceeding, it is first necessary to issue this *Order to Show Cause* directed to First Broadcasting to show cause why its Station KLLM license should not be modified to specify operation on Channel 240A in lieu of Channel 280A at Forks, Washington. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.⁴ In this instance, the substitution of Channel 240A for Channel 280A at Forks, Washington, will accommodate the substitution of Channel 281C for Channel 282C at Bellingham, Washington, which will enable the allotment of Channel 283C2 to Shoreline, Oregon, as Shoreline's first local aural transmission service. We consider this provision of a first local service to Shoreline to have sufficient public interest benefits to justify the issuance of a show cause order.

3. The Station KLLM license at Forks, Washington, can be modified to specify operation on Channel 240A at its currently authorized transmitter site.⁵ Counterpetitioners have agreed to reimburse First Broadcasting for the reasonable costs incurred in connection with the change of the Station KLLM channel.

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, First Broadcasting Investment Partners, LLC, licensee of Station KLLM(FM), Forks, Washington, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 240A in lieu of Channel 280C.

5. Pursuant to Section 1.87 of the Commission's Rules, First Broadcasting Investment Partners, LLC may, no later than April 26, 2004, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the licensee to furnish additional information. If the licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this *Order to Show Cause* and a final Order will be issued if the modification is found to be in the public interest.

6. IT IS FURTHER ORDERED, that a copy of this *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

⁴ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2FCC Rcd 3327 (1987).

⁵ The reference coordinates for Channel 240A at Forks, Washington, are 47-57-16 NL and 124-23-20 WL.

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[Licensee of Station KLLM(FM)]

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7. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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Media Bureau

